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APR 25 2006

OFFICE OF PETITIONS

In re Application of	:	
Zhang	:	Decision on Petition
Application No. 09/995,506	:	
Filing Date: November 27, 2001	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 28, 2006, to revive the above-identified application.

The petition is **granted**.

Facts:

A non-final Office action was mailed on January 13, 2005.

The Office action stated, "A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FORM THE MAILING DATE OF THIS COMMUNICATION." The Office action stated that extensions of the three-month deadline were available under 37 CFR 1.136(a).

Petitioner never obtained an extension of time to file a reply to the Office action mailed January 13, 2005. Therefore, a reply was due by April 13, 2005, or the application would become abandoned.

A reply to the Office action was not filed until July 8, 2005. The reply was not signed. The reply included a small statement at the end of the remarks indicating the correspondence address had changed for petitioner.

The Office improperly mailed a Notice of non-complaint amendment on August 1, 2005. The Notice was improperly mailed because the application had already become abandoned as the result of applicant's failure to timely reply to the January 13, 2005 Office action.

A Notice of Abandonment was mailed on December 23, 2005.

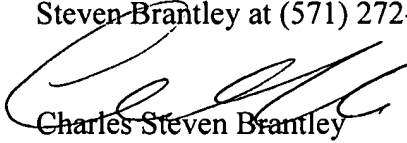
Analysis:

The instant petition requests revival of the application.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

Technology Center Art Unit 2643 will be informed of the instant decision and the examiner will further examine the application in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'Charles Brantley', is written over the printed name.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions